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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/788,669	02/21/2001	Richard Oliver Kahn	30990156 US	6041

22879 7590 07/28/2005

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EXAMINER	
VILLECCO, JOHN M	
ART UNIT	**PAPER NUMBER**
2612	

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	**Application No.** 09/788,669	**Applicant(s)** KAHN ET AL.	
	Examiner John M. Villecco	**Art Unit** 2612	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 25 April 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
   a) ☒ The period for reply expires 2 months from the mailing date of the final rejection.
   b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ They raise the issue of new matter (see NOTE below);
   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: _____.
   Claim(s) objected to: *8,10 and 18-24*.
   Claim(s) rejected: *1-9,11-17,25 and 26*.
   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☐ Other: _____.

Continuation of 11. does NOT place the application in condition for allowance because:

Applicant's amedment to claims 8, 10, and 18-20 to overcome the claim objections from the previous office action does not sufficiently address the examiners concerns about the claims. More specifically, as mentioned in the first action mailed on July 9, 2004, applicant discloses that one of the compression techniques used for reducing the image data stored in memory is to delete the image file in its entirety. However, The Authoritative Dictionary of IEEE Standards Terms, 7th edition, describes a compressed file as "a file that has been transformed in a manner intended to reduce its size without loss of information". Therefore, in a compressed image file you would never completely delete the image. There would always be some image data left and therefore, it would be impossible to delete the image when compressing it. The controller in each of the claims is only adapted to compress image files not delete the image files. Therefore, a more appropriate amendment overcoming the claim objections would be to adapt the controller to compress and/or delete the information records.

Regarding claim 1, applicant argues that since Torres discloses that the image files are compressed as JPEG images prior to storage and that they are all compressed to a predetermined level, Torres can not read on the limitation of "how far" to compress an image. The examiner disagrees with the applicant's characterization of the Torres reference. As shown in Figure 6 and column 5, lines 55-61, Torres discloses that the storage recovery procedure operates to determine if an image file has been compressed to the predetermined level. If the image has not been compressed to the predetermined level, the file is compressed to the predetermined level. Thus, a determination is inherently made as to how far to compress the image file if it has not already been compressed to the predetermined level.

As for claim 25, applicant argues that Torres fails to disclose a variable compression level based on the priority rating. However, as admitted by the applicant, the image is compressed as a JPEG image before storage. During the storage recovery procedure of Torres the controller decides whether to further compress the file or not. Therefore, the variable compression is either leaving the image stored as a JPEG image without further compression or further compressing the image to the predetermined level.

With regard to claim 17, applicant argues that since Torres only discloses compressing the image files to a single predetermined level, one or ordinary skill in the art would not have been motivated to assign a group of information records a common priority rating. However, as mentioned in column 6, lines 18-23, Torres discloses that images that have already been copied or archivedcan be designated as highest priortity candidates for further compression. Clearly, the group of images that have already been copied or archived make up a certain class of archives which are given a common priority rating. One of ordinary skill in the art would have been motivated to assign a common priority rating to each of these images so that a user is saved considerable time and effort during the storage recovery procedure.

Regarding claim 8, applicant argues that the combination of Torres and Imai fails to specifically disclose deleting only if the information record is stored elsewhere. However, as mentioned in the previous office action, Torres discloses assigning a higher priority (earlier compression) to images that have already been archived elsewhere (col. 6, line 20). Imai teaches deleting information records in order to conserver memory. Thus, based on the teachings of Torres and Imai, one of ordinary skill in the art at the time the invention was made would have found it obvious to delete an information record if it has already been archived.

As for claims 4-6, applicant argues that Makishima fails to disclose allowing a file to be stored at a lesser compression level initially with an associated stored record of the file's priority such that it may be recompressed one or more times up to the maximum level as needs arise. The examiner does not dispute this point. However, this language can not be found in the claim. The claim only requires a maximum permissible compression level, which is taught by Sato, and a defining the maximum permissible compression level to be suitable for functional purposes, which is taught by Makishima. In other words, Torres does disclose compressing an image to a maximum permissible compression level, Sato discloses setting a maximum permissible compression level for each information record, and Makishima discloses adjusting a compression level based on functional purposes. Thus, when taken in combination it would have been obvious to one of ordinary skill in the art to adjust the compression level of each information record based on the functional purposes of each record, as taught by Makishima.

With regard to claim 11, applicant argues that since Torres only discloses a single maximum permissible compression level for all of the files, one would not have been motivated to set a maximum permissible compression level for each information record. However, as taught by Sato, a user may want to designate information records with different image qualities. Thereby, preserving the high quality of the image. Thus, given the teach of Sato, one or ordinary skill in the art would have been motivated to set a maximum compression level for each image so that high quality images can be maintained.

THAI TRAN
PRIMARY EXAMINER